

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

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|---------------------------|---|----------------------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | No. 3:07-CR-157 |
| |) | (Phillips / Shirley) |
| JOSEPH MANNING, |) | |
| |) | |
| Defendant. |) | |
| |) | |

MEMORANDUM AND ORDER

This matter came before the undersigned on December 18, 2007, for a scheduled detention hearing. Assistant United States Attorney Matthew T. Morris was present representing the government. Attorney Steven G. Shope was present representing Defendant Joseph Manning, who was also present.

In the Court's oral ruling, a complete review and analysis of the parties' positions, issues, and facts were stated. In general, the 18 U.S.C. § 3142(g) factors, including the weight of the evidence, the defendant's confession, his prior violation of conditions of diversion, probation and supervised release, his prior criminal history and his continued drug use indicate the defendant is a danger to the community and that he is unlikely to follow any conditions imposed on his release. A transcript with the specific and detailed oral ruling will be filed as a supplement hereto and made a part of this Order as if stated herein verbatim.

For the reasons stated therein, I find, pursuant to 18 U.S.C. § 3142, that (1) the government has not met the burden of establishing by a preponderance of the evidence that this defendant is a flight risk and a risk not to appear as required if released, and (2) the government has met the burden

of establishing by clear and convincing evidence that Defendant Manning's release would pose a danger to the community. Furthermore, the Court finds that there are no conditions or combination of conditions of release that would reasonably assure the Court that Defendant Manning would appear as ordered and not pose a danger to the safety of any other person or the community

It is therefore **ORDERED** that Defendant Joseph Manning be detained. Defendant will be committed to the custody of the Attorney General or his designated representative for confinement in a correction facility separate to the extent practicable from persons awaiting sentencing or serving sentences or being held in custody pending appeal. Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. Upon order of this Court or a Court of the United States or upon request of the attorney for the government, the person in charge of the corrections facility shall deliver Defendant to the United States Marshal Service for the purpose of an appearance in connection with a Court proceeding.

IT IS SO ORDERED.

ENTER:

s/ C. Clifford Shirley, Jr.
United States Magistrate Judge